

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 12/7/2022
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STATE STREET GLOBAL ADVISORS TRUST :  
COMPANY, *a Massachusetts trust company*, :  
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Plaintiff, :  
:  
-v- :  
:  
KRISTEN VISBAL, :  
:  
Defendant. :  
:  
----- X  
GREGORY H. WOODS, United States District Judge:

1:19-cv-1719-GHW

ORDER

In her response to Plaintiff's Rule 56.1 statement, Defendant listed thirty-nine new paragraphs of "Additional Facts in Opposition to SSGA's Motion for Summary Judgment." Dkt. No. 420 ¶¶ 566–605. Plaintiff has requested that these facts be stricken, along with two underlying declarations in support of those facts. Dkt. No. 431; *see* Dkt. Nos. 416–417 (underlying declarations).

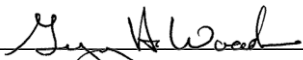
Plaintiff's request is granted in part. Plaintiff is correct both that new facts may not be raised in a reply brief that were not raised in an opening brief, *see Aurora Loan Servs. v. Posner, Posner & Assocs., P.C.*, 513 F. Supp. 2d 18, 19–20 (S.D.N.Y. 2007), and that the Court has precluded the parties in this case from "cross-pollinating"—that is, from automatically presuming that facts from one of the two active summary-judgment motions may be considered in connection with the other. *See* Dkt. No. 278. Accordingly, paragraphs 566–605 in Dkt. No. 420 are hereby stricken, and the Court will not consider them in resolving SSGA's Motion for Summary Judgment.

However, the Court will not entirely strike the underlying declarations referenced by Plaintiff. Dkt. Nos. 416–417. Those declarations partially support the now-stricken facts, but partially support other, non-stricken facts. *See generally* Dkt. No. 420. Accordingly, the Court will

not review those documents as relevant to the stricken facts, but declines to strike them in full to the extent that they are properly referenced by the non-stricken facts.

SO ORDERED.

Dated: December 7, 2022  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge